

Appl. No. 09/447,900
Amdt. dated September 20, 2005
Reply to Office action of May 20, 2005

Docket No. 93SC024RE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER
"PRIOR" PATENTS**

The owner, Rockwell Scientific Licensing, LLC, of one hundred (100) percent interest in the instant application, 09/447,900, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patents No. 5,504,603 and 6,320,634 as the term of said prior patents is defined in 35 U.S.C. 154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of a prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of Rockwell Scientific Licensing, LLC, and hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: David Zoetewey
Name: David Zoetewey
Title: Intellectual Property Counsel
Date: September 20, 2005
Reg. No. 45258
Tel. No. 805-373-4244

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